

AN ORDINANCE AMENDING CHAPTER 44, NOISE CONTROL.

WHEREAS, the City Council of the City of Ankeny, Iowa, deems it in the best interest of the City to amend Chapter 44 concerning Noise Control.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Ankeny, Iowa, as follows:

Section 1. Chapter 44, Noise Control, is hereby amended by deleting the current Section 44.01 and inserting in lieu thereof the following:

44.01 PURPOSE. The purpose of this chapter is to establish standards for the control of excessive sound and vibration in the City thereby protecting the public's health, safety, and general welfare.

Section 2. Chapter 44, Noise Control, is hereby amended by adding the following subsections to Section 44.03, Definitions:

16. "Noise Control Officer" means the official of the Ankeny Police Department having lead responsibility for administration and enforcement of this ordinance.

17. "RMS Sound Pressure" means the square root of the time averaged square of the sound pressure.

18. "Sound Level" means the weighted sound pressure level obtained by the use of a sound level meter and frequency-weighting network, such as A or C, as specified in the American National Standards Institute (ANSI) specifications for sound level meters, or latest approved revision thereof.

19. "Sound Level Meter" means an instrument which includes a microphone, amplified, RMS detector, integrator or time averaging device, output meter, and weighting networks used to measure sound pressure levels.

20. "Sound Pressure" means the instantaneous difference between the actual pressure and the average barometric pressure of a given point in space, as produced by sound energy.

21. "Sound Pressure Level" means 20 time the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals. The sound pressure level is denote SPL and is expressed in decibels.

22. "Vibration" means an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

Section 3. Chapter 44, Noise Control, is hereby amended in Section 44.06, Noise Permit for Sound Equipment, to add the following new subsection (6) concerning Special Events:

6. Special Events. Any other language in this Section to the contrary notwithstanding, the following additional requirements are added concerning an event for which a Special Event Permit is required under Chapter 11 of the Municipal Code or for which a Noise Permit is otherwise required:

- (i) When a permit is issued pursuant to this chapter, the sound levels listed in the following table shall be the maximum levels permitted when measured from the edge of the city street(s) or right

of way abutting the event site, or in the case Hawkeye Park is the event site the north property line of the park. When a complaint is received, a measurement may also be taken at the location on the complainant's property where the complaining party was disturbed.

Receiving Land Use	Maximum dB Permitted
Residential	55 between 8:00 a.m. and 9:00 p.m. 45 between 9:00 p.m. and 11:00 p.m.
Commercial	65
Industrial	70
Park	70 between 8:00 a.m. and 9:00 p.m. 65 between 9:00 p.m. and 11:00 p.m.

- (ii) The measurement of sound shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute. The instrument shall be maintained in calibration and good working order. Measurements recorded shall be taken so as to provide a proper representation of the noise source.
- (iii) If there is no voluntary compliance within a reasonable amount of time, the Noise Control Officer is given the authority to shut down the Special Event, to turn off the sound equipment or to reduce to the sound to the level authorized by the Noise Permit.
- (iv) The applicant for the Noise Permit is required to give adjacent residents/property owners of the event notice at least 30 days before the event on the form supplied by the City Clerk.
- (v) An event for which a Noise Permit either has not been obtained or which are is in violation of the maximum decibel levels will also be subject to those penalties established in Municipal Code Chapter 4, Municipal Infractions.

Section 4. Chapter 44, Noise Control, is hereby amended to add the following new Section 8, Noise Control Officer:

44.08 POWERS AND DUTIES OF THE NOISE CONTROL OFFICER.

1. In order to implement and enforce this ordinance and for the general purpose of sound and vibration abatement and control, the Noise Control Officer (NCO) shall have, in addition to any other authority vested, the power to:

A. Conduct, or cause to be conducted, research, monitoring, and other studies related to sound and vibration.

B. Conduct programs of public education regarding:

- (i) The causes, effects and general methods of abatement and control of noise and vibration; and,
- (ii) The actions prohibited by this ordinance and the procedures for reporting violations; and
- (iii) Encourage the participation of public interest groups in related public information efforts.

C. Coordinate the noise and vibration control activities of all municipal departments.

D. Cooperate to the extent practicable with appropriate county and municipal agencies.

2. In order to implement and enforce this ordinance effectively, the NCO shall within a reasonable time after the effective date of this ordinance to:

- A. Develop and promulgate standards, testing methods and procedures, subject to approval of the City Council;
- B. Investigate and pursue possible violations of this ordinance;
- C. Delegate functions, where appropriate under this ordinance, to personnel within the NCO and to other departments of the City.

Section 4. Chapter 44, Noise Control, is hereby amended to add the following new Section 9, Sound Levels by Receiving Land Use:

44.09 SOUND LEVELS BY RECEIVING LAND USE.

1. Maximum Permissible Sound Levels. No person shall operate or cause to be operated on public or private property any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the Table in Section 44.06(6)(i) when measured at or within the property boundary of the receiving land use.

Section 5. Section 44.06(5) is hereby amended to delete “The Council” and insert in lieu thereof “The City Manager or the City Manager’s designee.”

Section 6. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 7. This ordinance shall be effective upon its passage, approval and publication as provided by law.

PASSED and approved this 2nd day of August, 2010.

STEVEN D. VAN OORT, Mayor

ATTEST:

PAMELA DeMOUTH, City Clerk

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